

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PARADYME ASSET MANAGEMENT,
LLC

Plaintiff,

V.

FIGURD, LLC; PEGY BRIMHALL
DAVID ROBERTSON; and
ROBERTSON ARCHITECTURE, LLC

Defendants.

Civil Action No. 5:24-cv-00737-XR

**THE FIGURD DEFENDANTS' DESIGNATION OF TESTIFYING EXPERTS WITH
RESPECT TO THE CLAIMS ASSERTED AGAINST THE FIGURD DEFENDANTS BY
PLAINTIFF, PARADYME ASSET MANAGEMENT, LLC.**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COMES, Defendants, FIGURD, LLC, a Texas limited liability company (“Figurd”), and PEGY BRIMHALL (“Brimhall”) (collectively, the “Figurd Defendants”), and in accordance with FED. R. CIV. P. 26(a)(2)(A), and the Second Amended Scheduling Order [ECF No. 35] (the “Scheduling Order”), hereby file the Figurd Defendants’ Designation of Testifying Experts with respect to the Claims Asserted Against the Figurd Defendants by Plaintiff, Paradyme Asset Management, LLC (“Paradyme” and “Plaintiff”) and, in support thereof, respectfully show unto the Court the following:

The following persons may be called to provide expert testimony and/or present evidence at trial in connection with the claims asserted against the Figurd Defendants by Paradyme:

I. RETAINED TESTIFYING EXPERTS

1. Lee M. Imbimbo, M.A.

Principal Architect and Managing Partner
Michael Imbimbo, Inc. dba Imbimbo Architecture + Development
13535 Vista Bonita
San Antonio, TX
c/o the Figurd Defendants' counsel of record:
Ricardo G. Cedillo
Brandy C. Peery
Maira L. Gonzalez
DAVIS, CEDILLO & MENDOZA, INC.
755 E. Mulberry Ave., Suite 250
San Antonio, Texas 78212
Telephone: (210) 822-6666

On March 3, 2025, Plaintiff designated Steven Lawrence Biegel, AIA, NCARB, LEEP AP Architect ("Biegel") as Plaintiff's testifying expert in connection with claims asserted by Plaintiff in Plaintiff's Complaint [Doc. 1] filed against the Figurd Defendants and Defendants, David Robertson ("Robertson") and Robertson Architecture, LLC ("Robertson Architecture"). Plaintiff filed Biegel's Affidavit Doc. 1-1] with Plaintiff's Complaint and subsequently served the Expert Report of Biegel dated March 3, 2025 and the Supplemental Expert Report of Biegel dated March 17, 2025 (together with all updates, modifications, and/or supplements, the "Biegel Reports").

Accordingly, the Figurd Defendants anticipate that Mr. Imbimbo may be called to provide expert testimony regarding the professional services provided by the Figurd Defendants to the project that is the subject of this lawsuit (the "Project"), and to rebut the opinions set forth in the Biegel Reports and any expert testimony offered by Biegel in connection with these proceedings.

In accordance FED. R. CIV. P. 26(a)(2)(B), the Figurd Defendants have served a copy of Mr. Imbimbo's written expert report which contains a statement of all opinions anticipated to be expressed by Mr. Imbimbo and the basis and reasons therefore; the data or other information considered by Mr. Imbimbo forming such opinions; any exhibits to be used as a summary of or

support for his opinions; the qualifications of Mr. Imbimbo, including a list of all publications authored by him within the preceding ten years; the compensation to be paid for his expert study and testimony; and a listing of any other cases in which he has testified as an expert at trial or by deposition within the preceding four years.

As discovery is ongoing in this matter, the Figurd Defendants expressly reserve the right to supplement and/or amend the foregoing designation of its retained testifying experts and Mr. Imbimbo's written expert report.

II. NON-RETAINED EXPERTS

- 1. David Robertson, AIA, NCARB**
Robertson Architecture, LLC
c/o their counsel of record
BENJAMIN, VANA, MARTINEZ & CANO, LLP
2161 NW Military Highway, Ste. 111
San Antonio, Texas 78213
(210) 881-0667

Defendant Robertson is a non-retained expert and has first-hand knowledge of the issues complained about by Paradyme. Accordingly, the Figurd Defendants anticipate that Defendant Robertson may be called to provide expert testimony regarding the professional services provided by him, Robertson Architecture, and the Figurd Defendants to the Project, and to rebut the opinions set forth in the Biegel Reports and any expert testimony provided by Biegel in connection with these proceedings.

Mr. Robertson's opinions are based on his education, training, and professional experience as well as his personal involvement with the Project, review of the documents produced in this suit, including contracts, project documents, and project files.

Mr. Robertson's curricula vitae can be found here: <https://www.linkedin.com/in/david-robertson-aia-ncarb-737a3736/>.

III. EXPERTS ON ATTORNEYS' FEES

- 1. Ricardo G. Cedillo
Brandy C. Peery**
DAVIS, CEDILLO & MENDOZA, INC.
755 E. Mulberry Ave., Suite 250
San Antonio, Texas 78212
Telephone: (210) 822-6666

Plaintiff has asserted an affirmative claim for attorneys' fees against the Figurd Defendants. Accordingly, the Figurd Defendants anticipate that Mr. Cedillo and/or Ms. Peery will testify as to the reasonableness and necessity of attorneys' fees and expenses allegedly incurred by Plaintiff in connection with Plaintiff's claims against the Figurd Defendants. Mr. Cedillo and/or Ms. Peery may also testify as to the proper segregation of Plaintiff's attorneys' fees and costs between claims and the various Defendants if necessary. In addition, they may testify regarding the reasonableness and necessity of attorney's fees requested by any other party in this case, and as to the segregation of such attorneys' fees and costs should segregation be required.

Discovery is ongoing in this matter and, as of the date hereof, Plaintiff has not produced any documents or evidence regarding the type or amount of attorneys' fees and expenses Plaintiff has incurred in connection with Plaintiff's claims against the Figurd Defendants. Accordingly, Mr. Cedillo and Ms. Peery reserve the right to assess and provide their opinions regarding the reasonableness and necessity of Plaintiff's claim for attorneys' fees or expenses against the Figurd Defendants upon receipt of the production of such evidence by Plaintiff.

In Mr. Cedillo's and Ms. Peery's respective opinions, the attorneys' fees and expenses incurred by the Figurd Defendants in asserting Figurd's counterclaims against Paradyme have been reasonable and necessary. The total amount of attorneys' fees and costs will not be known until the conclusion of the trial on the merits.

As counsel in this case, Mr. Cedillo and Ms. Peery are familiar with the facts and discovery of this case, the proceedings and procedural history, and the work performed by the attorneys and paralegals of Davis, Cedillo & Mendoza, Inc. in connection with this case. They are familiar with the claims and defenses asserted by the parties, the parties' pleadings and discovery materials, and the interactions between the parties and their respective counsel. They will base their opinions on their respective experience as an attorney in cases of this nature and on their actual knowledge of the legal issues and legal services performed in this case. Mr. Cedillo and Ms. Peery are also expected to rely on their review of billing statements from Davis, Cedillo & Mendoza, Inc. for the legal services provided to Figurd in this case. Mr. Cedillo and Ms. Peery are also expected to rely on their review of billing statements from Plaintiff's counsel for the legal services provided to Plaintiff in connection with the claims asserted by Plaintiff against the Figurd Defendants.

Mr. Cedillo is a duly licensed attorney, licensed to practice law in the State of Texas and in the United States District Court of the Western District of Texas, and has been practicing in Bexar County, San Antonio, Texas and the surrounding area for forty-five (45) years. He is a founder and shareholder at Davis, Cedillo & Mendoza, Inc. Mr. Cedillo is not disqualified from testifying in this cause. Mr. Cedillo's current "CV" may be found at <https://lawdcm.com/attorneys/ricardo-g-cedillo/>.

Ms. Peery is a duly licensed attorney, licensed to practice law in the State of Texas and in the United States District Court of the Western District of Texas, and has been practicing in Bexar County, San Antonio, Texas and the surrounding area for over fifteen (15) years. She is a shareholder at Davis, Cedillo & Mendoza, Inc. Ms. Peery is not disqualified from testifying in this cause. Ms. Peery's current "CV" may be found at <https://lawdcm.com/attorneys/brandy-c-peery/>.

IV. OTHER EXPERTS

The Figurd Defendants reserve the right to rely upon the opinions of any of the experts, retained or unretained, designated by any party to this lawsuit with regard to any matters related to this cause, including, without limitation, the retained testifying experts designated by Figurd with respect to Figurd's counterclaims against Plaintiff [Doc. 39], and the retained and non-retained testifying experts designated by Defendants, Robertson and Robertson Architecture [Doc. 40]. Further, the Figurd Defendants reserve the right to examine by direct or cross-examination, or call as an expert witness, live or by deposition, any expert witness presented and/or designated by any party to this lawsuit. The Figurd Defendants further reserve the right to elicit testimony from and/or cross-examine and/or use any expert testimony and/or lay opinion testimony that would assist the jury in determining material issues of fact to the extent that same are considered expert opinions and/or testimony in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Evidence. The Figurd Defendants reserve the right to call undesignated expert witnesses in rebuttal, if necessary, whose identities and testimony cannot be reasonably foreseen until all other parties to this suit have presented evidence at trial.

The Figurd Defendants further reserve the right to solicit testimony from any person identified by any party as a fact witness in this case, which may require such witness to rely upon their specialized knowledge, training, experience, education, or expertise in a particular field or which may be considered "opinion" testimony. It is anticipated that such persons and any non-retained persons would provide testimony consistent with any and all records they have generated and/or any testimony or statements provided to any person or party and within the realm of their expertise and training.

The Figurd Defendants may also solicit expert testimony from any party in this case. It is expected that any opinions solicited from such parties would be opinions provided within the realm of their specialized knowledge, training, experience, education, or expertise and consistent with their business records and/or deposition testimony or statements provided on such subjects.

The Figurd Defendants reserve the right to solicit testimony from any witness, lay or otherwise, who may have relevant opinions within the realms of their specialized knowledge, training, experience, education, or expertise.

The Figurd Defendants reserve the right to supplement and/or amend this designation.

Date: April 17, 2025

Respectfully submitted,

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/s/Ricardo G. Cedillo

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**ATTORNEYS FOR DEFENDANTS, FIGURD,
LLC AND PEGY BRIMHALL**

CERTIFICATE OF SERVICE

I certify that on this 17th day of April 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the parties on record.

/s/Ricardo G. Cedillo
RICARDO G. CEDILLO